

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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B.E., a minor, by his parents BILLIE JO  
ERDMANN and WILLIE EMIL  
ERDMANN, and BILLIE JO ERDMANN  
and WILLIE EMIL ERMDANN,

ORDER

11-cv-233-wmc

Plaintiffs,

and

MINNESOTA DEPARTMENT OF HUMAN  
SERVICES and BLUE CROSS BLUE SHIELD  
OF MINNESOTA,

Nominal Plaintiffs,

v.

THEODORE PECK, M.D., GUNDERSEN LUTHERAN  
MEDICAL CENTER, INC., GUNDERSEN CLINIC, LTD.,  
GUNDERSEN CLINIC PROFESSIONAL LIABILITY  
INSURANCE PLAN, WISCONSIN INJURED PATIENTS  
AND FAMILIES COMPENSATION FUND, and  
PROASSURANCE WISCONSIN INSURANCE COMPANY,

Defendants.

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The court is in receipt of the July 17, 2012 letter from Attorney David McFarlane purporting to speak for all parties and requesting (1) the courthouse be opened specially for their trial on Veteran's Day, Monday, November 12th; and (2) this personal injury case be scheduled for a nearly unprecedented fourth week of trial. (Dkt. #41.) In light of this request, the court will hold an in-person status conference on Thursday, August 16, 2012, at 1:00 p.m.

In addition, the parties shall adhere to the following schedule:

- 1) On or before Friday, September 21, 2012, the parties shall provide opposing counsel and the court:
  - a) Rule 26(a)(3) disclosures.
  - b) Motions in limine.
  - c) A short, written narrative statement of each expert's background and experience. These statements will be read to the jury and no proof will be received on the matters covered unless an objection to the narrative statement is filed.
  - d) A list of portions of depositions, to be offered into evidence at trial, by page and line references for witnesses *unavailable at trial*. The proponent of a deposition shall also prepare a written narrative summary of all deposition transcripts the party intends to read into evidence, with annotated page and line references in parenthesis after each sentence, in lieu of the narrative of questions and answers. No summary shall exceed more than five (5) page without advance leave of court.
- 2) On or before Friday, September 28, 2012, the parties shall provide opposing counsel and the court:
  - a) Exhibit lists on the court's standard form. Any exhibits not listed shall be excluded from admission into evidence except upon good cause shown.
  - b) Additional voir dire questions.
  - c) Proposed verdict forms.
  - d) Proposed jury instructions.
  - e) In addition to electronically filing voir dire questions, verdict forms and jury instructions, please submit to the court an electronic copy of each in Microsoft Word format to [wiwd\\_wmc@wiwd.uscourts.gov](mailto:wiwd_wmc@wiwd.uscourts.gov).
- 3) On or before Friday, October 5, 2012, the parties shall provide opposing counsel and the court:
  - a) Responses to motions in limine.
  - b) Objections to exhibits, narrative statements and deposition excerpts or summaries.
  - c) Responses to opposing parties' voir dire questions, verdict forms, and jury instructions.

- 4) Counsel are directed to consult in good faith and reach resolution to the extent possible on the admissibility of exhibits, narrative statements and deposition excerpts or summaries. Each party shall file copies of any remaining, *contested* exhibits, summaries or excerpts they intend to offer with the court by 12:00 p.m. on Friday, October 12, 2011.
- 5) In addition to the scheduled Final Pretrial Conference set for Tuesday, October 16, the court will hold an additional conference on Tuesday, October 23, 2012, at 4:00 p.m.

Entered this 1st day of August, 2012.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge